

Amendments to House Bill No. 301  
3rd Reading Copy

For the Senate Judiciary Committee  
Prepared by Chris Tweeten (DOJ/Bar Association)

Prepared by Valencia Lane  
March 24, 2009 (12:26pm)

1. Page 1, line 13.

**Following:** "paralegal"

**Strike:** ", as defined in [section 2]"

**Following:** "."

**Insert:** "For purposes of this section only, "paralegal" means a person who is employed or retained by a law firm or office, corporation, or government agency to work under the supervision of a licensed attorney who is professionally responsible for the paralegal's work, performs work that requires a substantial knowledge of legal concepts that in the absence of the paralegal would be performed by an attorney, and meets one or more of the following criteria:

(1) has received an associate's degree in paralegal studies from an accredited institution or a baccalaureate degree in paralegal studies from an accredited college or university;

(2) has received a baccalaureate degree in any discipline from an accredited college or university and has completed not less than 18 semester credits of course work offered by a qualified paralegal studies program;

(3) has received certification by the national association of legal assistants or the national federation of paralegal associations;

(4) is qualified by education, training, or work experience and performs specifically designated substantive legal work that requires substantial knowledge of legal concepts; or

(5) has graduated from an accredited law school and has not been disbarred or suspended from the practice of law by any jurisdiction."

2. Page 1, line 15 through page 2, line 2.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

3. Page 2, line 18.

**Strike:** "[Sections 1 and 2] are"

**Insert:** "[Section 1] is"

4. Page 2, line 19 through line 20.

**Strike:** "[sections 1 and 2]"

**Insert:** "[section 1]"

- END -

(OVER)

## HOUSE BILL NO. 301

INTRODUCED BY D. KOTTEL

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING REASONABLE PARALEGAL FEES AS A COMPONENT OF ATTORNEY FEES THAT MAY BE AWARDED TO A PREVAILING PARTY IN CERTAIN CASES; DEFINING "PARALEGAL"; AMENDING SECTIONS 25-10-302 AND 37-61-215, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Paralegal fees as component of attorney fees.** In any case or proceeding in which attorney fees are awarded to the prevailing party, the court may, as a component of the attorney fees, include reasonable fees of a paralegal, ~~as defined in [section 2].~~

For purposes of this section only, "paralegal" means a person who is employed or retained by a law firm or office, corporation, or government agency to work under the supervision of a licensed attorney who is professionally responsible for the paralegal's work, performs work that requires a substantial knowledge of legal concepts that in the absence of the paralegal would be performed by an attorney, and meets one or more of the following criteria:

(1) has received an associate's degree in paralegal studies from an accredited institution or a baccalaureate degree in paralegal studies from an accredited college or university;

(2) has received a baccalaureate degree in any discipline from an accredited college or university and has completed not less than 18 semester credits of course work offered by a qualified paralegal studies program;

(3) has received certification by the national association of legal assistants or the national federation of paralegal associations;

(4) is qualified by education, training, or work experience and performs specifically designated substantive legal work that requires substantial knowledge of legal concepts; or

(5) has graduated from an accredited law school and has not been disbarred or suspended from the practice of law by any jurisdiction."